

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STEVE STEWART, LAMONT BULLOCK,	:	CIVIL NO. 3:07-CV-01916
NATHAN RILEY and	:	
DERRICK MUCHINSON,	:	(Judge Caputo)
	:	
Plaintiffs	:	(Magistrate Judge Smyser)
	:	
v.	:	
	:	
JEFFREY BEARD, JOHN PALAKOVICH,	:	
JAMES FOUSE and WILLIAM FELTON,	:	
	:	
Defendants	:	

REPORT AND RECOMMENDATION

The plaintiffs, four prisoners proceeding *pro se*, commenced this 42 U.S.C. § 1983 action by filing a complaint. The plaintiffs claim that the defendants are violating the Eighth Amendment by keeping lights on in the Restricted Housing Unit of the State Correctional Institution at Smithfield twenty-four hours a day.

The plaintiffs did not pay the filing fee to commence this action and they did not file proper applications to proceed *in forma pauperis*. By an administrative order issued by the Clerk of Court on October 25, 2007, the plaintiffs were

ordered to either pay the filing fee or file proper *in forma pauperis* applications and authorization forms to have funds deducted from their prison accounts to pay the filing fee.

Plaintiffs Stewart, Bullock and Riley have filed proper *in forma pauperis* applications and authorization forms to have funds deducted from their prison accounts to pay the filing fee. Plaintiff Muchinson, on the other hand, has not filed an application to proceed *in forma pauperis* or an authorization form to have funds deducted from his prison account to pay the filing fee.

Since plaintiff Muchinson has not filed the proper *in forma pauperis* forms, it is recommended that he be dismissed from this action. It is further recommended that the case be remanded to the undersigned for further proceedings.

/s/ J. Andrew Smyser

J. Andrew Smyser
Magistrate Judge

Dated: December 10, 2007.